



ENVIRONMENTAL QUALITY CONTROL BOARD
33 S. W. 2nd AVENUE
PH 2
MIAMI, FLORIDA 33130-1540
(305) 372-6754

CHAIRPERSON
Claire M. Bradshaw-Sidran, Ph.D.

MEMBERS
Robert S. Pope, Ph.D.
William E. Hopper, Ph.D.
Luis A. Prieto-Portar, Ph.D., P.E.
David A. Chin, Ph.D., P.E., DEE

SECRETARY
John W. Renfrow, P.E.

CLERK
Luisa G. Bilbao

PUBLIC NOTICE

ENVIRONMENTAL QUALITY CONTROL BOARD

REVISED AGENDA

Date: Thursday, September 9, 2004

Time: 1:30 P. M.

Place: Thomas Center
172 West Flagler Street
DERM Training Room
2nd Floor

**THE ENTRANCE TO THIS BUILDING IS LOCATED ON THE EAST SIDE OF S.W. 2nd AVENUE,
JUST SOUTH OF FLAGLER STREET**

1. **RANDI RUSSELL**--(CONTINUANCE) Appeal pursuant to the provisions of Section 24-6 of the Code of Miami-Dade County, Florida, of a decision by the Director of the Miami-Dade County Department of Environmental Resources Management (DERM); that decision being rescinding and revoking the DERM approval of a certain set of construction plans. The aforesaid rescission and revocation resulted in the annulment of Building Permit No. 2002096391, issued for the construction of a single family residence. The subject property is located at 2370 N.E. 194th Street, Miami-Dade County, Florida.
2. **PELTON NURSERIES, INC.** --(CONTINUANCE) Appeal pursuant to the provisions of Section 24-6 of the Code of Miami-Dade County, Florida, of an action or decision by the Director of the Miami-Dade County Department of Environmental Resources Management (DERM). The Appellant is appealing a determination by the Director, said determination being the issuance of a certain Notice of Violation and Orders to Cease and Desist, concerning work without a permit in jurisdictional wetlands, on a property located at South of S.W. 280th Street and 107th Avenue, Miami-Dade County, Florida.
3. **FLORIDA POWER & LIGHT COMPANY** --(CONTINUANCE) Appeal pursuant to the provisions of Section 24-6 of the Code of Miami-Dade County, Florida, of an action or decision by the Director of the Miami-Dade County Department of Environmental Resources Management (DERM). The Appellant is appealing a determination by the Director, said determination being the issuance of a certain Notice of Violation and Orders to Cease and Desist, concerning work without a permit in jurisdictional wetlands, on a property located at approximately S.W. 312th Street and 107th Avenue, Miami-Dade County, Florida.

4. **VICTORIA R. FRANCO** -- (CONTINUANCE) Appeal pursuant to the provisions of Section 24-6 of the Code of Miami-Dade County, Florida, of an action or decision by the Director of the Miami-Dade County Department of Environmental Resources Management (DERM). The Appellant is appealing a determination by the Director, said determination being the issuance of a certain Notice of Violation and Orders to Cease and Desist, concerning work without a permit in jurisdictional wetlands, on a property located at South of S.W. 284th Street and 107th Avenue, Miami-Dade County, Florida.
5. **ATLAS-HOMESTEAD, INC.** -- (CONTINUANCE) Appeal pursuant to the provisions of Section 24-6 of the Code of Miami-Dade County, Florida, of an action or decision by the Director of the Miami-Dade County Department of Environmental Resources Management (DERM). The Appellant is appealing a determination by the Director denying the appellant's request for the extension of the deadlines for Phases II, III, and IV of the closure plan of an existing landfill. The property is located at 11695 S.W. 328th Street, Miami-Dade County, Florida.
6. **IMA-SUNSET REVOCABLE BUSINESS TRUST, A DELAWARE BUSINESS TRUST** -- (CONTINUANCE) Request for a variance from the requirements of Section 24-12.1(5) of the Code of Miami-Dade County, Florida. The request is to allow the establishment and operation of a dry cleaners operation on a property located within the basic wellfield protection area for the Alexander Orr wellfield. The proposed operation would use, generate, store, discharge, dispose of, or handle hazardous materials. The property is located at 9995-9999 S.W. 72nd Street, Miami-Dade County, Florida.
7. **FREDERICK ALLEN** -- (CONTINUANCE) Appeal pursuant to the provisions of Section 24-6 of the Code of Miami-Dade County, Florida, of an action or decision by the Director of the Miami-Dade County Department of Environmental Resources Management (DERM). The Appellant is appealing a determination by the Director, said determination being the issuance of a certain Notice of Violation and Orders to Cease and Desist, concerning the unauthorized installation of a floating vessel platform, on a property located at 805 North Shore Drive, Miami Beach, Florida.
8. **CRICKET CLUB CONDOMINIUM INC.** -- (CONTINUANCE) Appeal pursuant to the provisions of Section 24-6 of the Code of Miami-Dade County, Florida, of an action or decision by the Director of the Miami-Dade County Department of Environmental Resources Management (DERM). The Appellant is appealing a determination by the Director, said determination being, the denial of a temporary connection to the public sanitary sewer system in order to allow that the on-site sewage treatment plant be rehabilitated. The subject property is located at 1800 N.E. 114th Street, Miami-Dade County, Florida.
9. **KEN UBERTINO AND MARYELLEN UBERTINO** -- (CONTINUANCE) Request for a variance from the requirements of Section 24-58 of the Code of Miami-Dade County, Florida. The request is to allow the construction of a dock upon tidal waters of Miami-Dade County. The proposed dock would be located on a place where it would not comply with the requirements of the above noted Code Section. The property is located at 4420 North Bay Road, Miami Beach, Florida.
10. **PB PARTNERS DEVELOPMENT, LLC.** -- (CONTINUANCE) Request for a variance from the requirements of Section 24-13(3) of the Code of Miami-Dade County, Florida. The request is to allow the subdivision of a parcel of land into three lots, each for a single family residence, which would be served by public water and septic tanks. Public sanitary sewers abut the subject site in the form of an 8-inch gravity main. The property is located at the intersection of S. W. 184th Street and S. W. 83rd Avenue, Palmetto Bay, Florida.

11. **TRIPLE FFF INVESTMENTS, INC.** -- (CONTINUANCE) Request for variances from the requirements of Sections 24-13(4) and 24-13(6) of the Code of Miami-Dade County, Florida. The request is to allow the rezoning of a property to the IU-1 zoning category, light industrial, and its subsequent use for the storage of containers and heavy machinery. The proposed land use will be served by an on-site drinking water supply well and a septic tank and may The proposed land use may generate, store, use, discharge, dispose of, or handle hazardous materials, and may generate, dispose of, discharge or store liquid waste other than domestic sewage. The property is located at the intersection of N.W. 112th Avenue and N. W. 140th Street, Miami-Dade County, Florida.
12. **CITY OF NORTH MIAMI AND SWERDLOW BOCA DEVELOPERS GROUP, LLC** -- (CONTINUANCE Appeal pursuant to the provisions of Section 24-6 of the Code of Miami-Dade County, Florida, of an action or decision by the Director of the Miami-Dade County Department of Environmental Resources Management (DERM). The Appellants are appealing a determination by the Director of DERM, said determination being certain DERM requirements that relate to a proposed stormwater management system that would serve a proposed development located, within the City of North Miami. The aforesaid requirements are contained in a DERM letter dated May 11, 2004 and addressed to Messrs. Clarence Patterson as City Manager for the City of North Miami and Duane Truitt, Swerdlow Boca Developers Group, LLC. The subject property is located at N. E. 151st Street and Biscayne Blvd., North Miami, Florida.
13. **CIMENTO TUPI FLORIDA, LLC** -- (CONTINUANCE Appeal pursuant to the provisions of Section 24-6 of the Code of Miami-Dade County, Florida, of an action or decision by the Director of the Miami-Dade County Department of Environmental Resources Management (DERM). The Appellant is appealing a determination by the Director of DERM, said determination being that a proposed floating structure that would be utilized as a storage and transfer facility for bulk cement at the Port of Miami is not a water dependant use as defined in Section 23-3(107) of the Code of Miami-Dade County. The aforesaid determination is contained in a DERM letter addressed to Mr. Stephen James, Esquire and is dated June 9, 2004. The subject property is located at 1015 N. America Way, Port of Miami, Florida.
14. **BALBINO INVESTMENTS I, LLC** -- Request for a variance from the requirements of Section 24-58 of the Code of Miami-Dade County, Florida. Said Code Section requires in pertinent part that any dredging or filling work proposed in a Class I Permit application shall comply with at least one of six specific criteria contained therein. The project being proposed for the subject property would consist of a water front mixed-use development that would require the filling of an existing artificial basin located in tidal waters of Miami-Dade County. The project is not consistent with any of said criteria. Consequently, DERM staff would not process the application for the required Class I Permit to fill the basin until the applicant obtains a variance from this Code Section. The property is located at 1806, 1818 & 1884 N. W. North River Drive, Miami, Florida.
15. **TROPICAL PLAZA, INC.** -- Request for variances form the requirements of Sections 24-12.1 and 24-13(6) of the Code of Miami-Dade County, Florida. The request is to allow the expansion of an existing liquor store into a 46-seat sports bar. The property is served by public water and a septic tank, and is located within the basic wellfield protection area of the Naranja Park wellfield. The proposed land use would exceed the sewage will exceed the sewage loading requirements contained in the Code. The subject property is located at 26829~26855 South Dixie Highway, Miami-Dade County, Florida.
16. **MERLINE LEONCE** -- Request for variances from the requirements of the requirements of Sections 24-13(4) and 24-13(6) of the Code of Miami-Dade County, Florida. The request is to allow the

establishment and operation of children day care center on the subject property. The proposed day care center would be served by an on-site well and a septic tank. The subject property is located at 24455 S. W. 127th Avenue, Miami-Dade County, Florida.

17. **TRG-ALASKA I, LTD.** – Appeal pursuant to the provisions of Section 24-6 of the Code of Miami-Dade County, Florida, of an action or decision by the Director of the Miami-Dade County Department of Environmental Resources Management (DERM). The Appellant is appealing a determination by the Director of DERM, said determination being that DERM would not process a Class I permit application for the proposed filling of an existing boat basin. The appellant proposes to fill the boat basin in order to construct an extension to a bay-walk that exists in this area of the City of Miami Beach; and the Director has determined the project does not comply with any of the criteria contained in Section 24-58.3(B) of the Code for this type of project.

In the alternative, the Petitioner is requesting a variance from the requirements of the aforesaid Code Section in order to allow the department to process the Class I permit application. Said Code Section requires in pertinent part that any dredging or filling work proposed in Class I Permit applications shall comply with at least one of six specific criteria contained therein. The project being proposed for the subject property is not consistent with any of said criteria. The subject property is located at 800 South Pointe Dr., Miami Beach, Florida.

18. **JOSEPH PEREZ & RACHEL PEREZ** – Request for a variance from the requirements of Section 24-12.1 of the Code of Miami-Dade County, Florida. The request is to allow the construction of a single family residence that would be served by public water and a septic tank. The proposed single family residence would be constructed on a lot located within the basic wellfield protection area of the Alexander Orr Wellfield; and does not comply with the minimum lot size requirements derived from the sewage loading rates contained in the aforesaid Code Section. The property is located on S. W. 93rd Avenue, approximately 152 feet south of S. W. 66th Street, Miami-Dade County, Florida.
19. **KANOL ISIDORE** – Request for a variance from the requirements of Section 24-13(3) of the Code of Miami-Dade County, Florida. The request is to allow the construction of a duplex on a parcel of land that does not comply with the minimum lot size requirements contained in the aforesaid Code Section. The property is located at 12728 N. W. 101st Street, Miami-Dade County, Florida.
20. **THE SCHOOL BOARD OF MIAMI-DADE COUNTY** -- Request for variances from the requirements of Section 24-12. (1) of the Code of Miami-Dade County, Florida. The request is to allow the construction and operation of a proposed expansion to the Miami Norland Senior High School, which is located within the basic wellfield protection area of the W. E. Oeffler wellfield protection area. The existing facility exceeds the sewage loading rate contained in the aforesaid Code Section. The Petitioner is also requesting to be permitted to discharge the stormwater collected on the site into the ground via exfiltration trenches, which is not permitted on that portion of the wellfield protection area. The property is located at 19340 N.W. 8th Court, Miami-Dade County, Florida.
21. **DOON JAIKARAN AND TARA JAIKARAN** – Request for variances from the requirements of Sections 24-13(4) and 24-13(6) of the Code of Miami-Dade County, Florida. The request is to allow the construction and operation of an industrial warehouse that would be served by an on-site drinking water supply well and a septic tank. The property is located at 18410 S. W. 260th Street, Miami-Dade County, Florida.

22. **TARMAC AMERICA, LLC** -- Appeal pursuant to the provisions of Section 24-6 of the Code of Miami-Dade County, Florida, of an action or decision by the Director of the Miami-Dade County Department of Environmental Resources Management (DERM). The Appellant is appealing a decision by the Director of DERM, said decision being to start enforcement proceedings against the appellant. The subject property is located at 11000 N. W. 121st Way, Medley, Florida.
23. **COUSINS BUILDERS CORPORATION** -- Request for a variance from the requirements of Section 24-13(3) of the Code of Miami-Dade County, Florida. The request is to allow the re-subdivision of a platted lot into two lots that would be developed, the first one, with a single family residence and the second, which is going to be the smaller parcel, with a duplex. The proposed parcel that would be developed with the proposed duplex residence would not meet the minimum lot size requirements contained in the aforementioned Code Section for a duplex residence served by public water and a septic tank. The subject property is located at 4490 N. W. 159th Street.
24. **LAND QUEST ENTERPRISES, INC.** -- Request for variances from the requirements of Sections 24-13(4) and 24-13(6) of the Code of Miami-Dade County, Florida. The request is to allow the construction and operation of an industrial warehouse that would be served by public water and a septic tank. Public sanitary sewers abut the site. The property is located at 12801 N. W. 32nd Avenue, Opa-Locka, Florida.
25. **MIRNELLE JOSMA** -- Request for variances from the requirements of Sections 24-13(4) and 24-13(6) of the Code of Miami-Dade County, Florida. The request is to allow the establishment and operation of a medical office that would operate an x-ray machine on a property that is served by public water and a septic tank. The proposed facility would generate, store or discharge liquid waste other than domestic sewage. The property is located at 8855 N.E. 2nd Avenue, Miami-Dade County, Florida.
26. **S & P CONSTRUCTION LLC** -- Request for a variance from the requirements of Section 24-13(3) of the Code of Miami-Dade County, Florida. The request is to allow the construction of a six single family residences that would be served by an on-site drinking water supply wells and a septic tanks. None of the sites complies with the minimum lot size requirements contained in the aforesaid Code Section. The property is located along S.W. 228th Street, between S. W. 122nd Place and S. W. 123rd Avenue, Miami-Dade County, Florida.

OTHER MATTERS:

Other items at the discretion of the Environmental Quality Control Board. For additional information, please call Luisa Bilbao at (305) 372-6754.